

Translation

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: 100045

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43 *bis*.1)

Date of mailing

07 OCT 2004 (30.09.2004)

Applicant's or agent's file reference

WP04-0953-XC

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/CN2004/000674

International filing date (day/month/year)

23. Jun. 2004 (23.06.2004)

Priority date (day/month/year)

04. Jul. 2003 (04. 07. 2003)

International Patent Classification (IPC) or both national classification and IPC

IPC: E02B1/00

Applicant

LIM, Potung

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Form PCT/ISA/237(cover sheet)(January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2004/000674

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of: international search (under Rules 12.3 and 23.1(b))
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ in addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CN2004/000674

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims 1-5	YES
	Claims	NO
Inventive step (IS)	Claims 3-5	YES
	Claims 1, 2	NO
Industrial applicability (IA)	Claims 1-5	YES
	Claims	NO

2. Citations and explanations

D1(JP10-204853A) discloses a damming control system for estuaries, which measures the tidal of the external water levels (H1) and the water level (H2) within the estuary (H2). The difference between the internal and the external water levels is computed. Based on the water level difference a gate (G) is opened and water is supplied to external, during low tide. Claim 1 relates to the field of preventing flood, while D1 relates to the field of power generation, agriculture, but the objective of each is to prevent the reverse flow of sea water. So the invention defined in claim 1 cannot be considered to involve an inventive step. The additional technical feature of claim 2 is also disclosed in D1. So both claims 1,2 are not comply with Rule 43.1.

WRITTEN OPINION OF THE
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International application No.
PCT/CN2004/000674

Box No. VI Certain documents cited

1. Certain published documents(Rules43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP10-204853A	04.Aug.1998	22.Jan.1997	22.Jan.1997

2. Non-written disclosures(Rules43bis.1 and 70.9)

Kind of non written disclosure	Date of non –written disclosure (day/month/year)	Date of written disclosure referring fo non-written disclosure (day/month/year)
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**WRITTEN OPINION OF THE
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International application No.
PCT/CN2004/000674

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 3 and 5 is not clear because of the words "can" and "about", and not comply with PCT A6.